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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number

09/347390

| 11/4/5 | | CLAIMS AS FILED - PART I | | SMALL ENTITY | | OTHER THAN SMALL ENTITY | | | |
|---|----------------------------------|------------------------------------|---------------|-----------------|----------------|-------------------------|----------------|-------------------------|--|
| (Column 1) | | (Column 2) | | | | | | | |
| FOR PCE | NUMBER FILED | NUMBER EXTRA | | RATE | FEE | RATE | FEE | | |
| BASIC FEE (37 CFR 1.18(a)) | | | | | \$ | | \$ | | |
| TOTAL CLAIMS (37 CFR 1.18(c)) | 46 | minus 20 = 6 | | x \$ | = | x \$ | = | | |
| INDEPENDENT CLAIMS (37 CFR 1.18(b)) | 3 | minus 3 = 0 | | x \$ | = | x \$ | = | | |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.18(d)) | | | | + | \$ | + | \$ | | |
| 12500 46 | | | | TOTAL | | TOTAL | | | |
| If the difference in column 1 is less than zero, enter "0" in column 2. | | | | | | | | | |
| CLAIMS AS AMENDED - PART II | | | | | | | | | |
| (Column 1) | | (Column 2) | | (Column 3) | | SMALL ENTITY | | OTHER THAN SMALL ENTITY | |
| AMENDMENT A | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDITIONAL FEE | RATE | ADDITIONAL FEE | | |
| Total (37 CFR 1.18(c)) | | Minus | = | x \$ | = | x \$ | = | | |
| Independent (37 CFR 1.18(b)) | | Minus | = | x \$ | = | x \$ | = | | |
| First presentation of multiple dependent claim (37 CFR 1.18(d)) | | | | + | \$ | + | \$ | | |
| | | | | TOTAL ADD'L FEE | | TOTAL ADD'L FEE | | | |
| AMENDMENT B | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDITIONAL FEE | RATE | ADDITIONAL FEE | | |
| Total (37 CFR 1.18(c)) | | Minus | = | x \$ | = | x \$ | = | | |
| Independent (37 CFR 1.18(b)) | | Minus | = | x \$ | = | x \$ | = | | |
| First presentation of multiple dependent claim (37 CFR 1.18(d)) | | | | + | \$ | + | \$ | | |
| | | | | TOTAL ADD'L FEE | | TOTAL ADD'L FEE | | | |
| AMENDMENT C | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDITIONAL FEE | RATE | ADDITIONAL FEE | | |
| Total (37 CFR 1.18(c)) | | Minus | = | x \$ | = | x \$ | = | | |
| Independent (37 CFR 1.18(b)) | | Minus | = | x \$ | = | x \$ | = | | |
| First presentation of multiple dependent claim (37 CFR 1.18(d)) | | | | + | \$ | + | \$ | | |
| | | | | TOTAL ADD'L FEE | | TOTAL ADD'L FEE | | | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" in this space is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" in this space is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Request
for
Continued Examination (RCE)
Transmittal

Address to:
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P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|--------------------|
| Application Number | 09/347,390 |
| Filing Date | July 6, 1999 |
| First Named Inventor | Philip E. Eggers |
| Art Unit | 3739 |
| Examiner Name | Michael F. Peffley |
| Attorney Docket Number | C-6-5 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
 - ☒ Enclosed
 - ☒ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☐ Other _____
- Miscellaneous**
 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 - ☐ Other _____
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0359. I have enclosed a duplicate copy of this sheet.
 - ☒ RCE fee required under 37 CFR 1.17(e)
 - ☒ Extension of time fee (37 CFR 1.139 and 1.17)
 - ☐ Other _____
 - ☐ Check in the amount of \$ _____ enclosed
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|-----------------------|------------------|------------------|
| Signature | <i>Raj Jaiprakash</i> | Date | November 4, 2005 |
| Name (Print/Type) | Raj Jaiprakash, Esq. | Registration No. | 44,168 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|-------------------------|------|------------------|
| Signature | <i>Michelle Nicotri</i> | Date | November 4, 2005 |
| Name (Print/Type) | Michelle Nicotri | | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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On

Nov 4 2005

By

Michelle Nicely

PATENT

Attorney Docket No.: C-6-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Philip P. Eggers, et al.

Application Serial No.: 09/347,390

Filing Date: July 6, 1999

Title: SYSTEMS FOR ELECTROSURGICAL
MYOCARDIAL REVASCULARIZATION

Examiner: Michael F. Peffley

Group Art Unit: 3739

Confirmation No. 3789

AMENDMENT

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

In reply to the Office Action mailed July 6, 2005 that set a three-months period for a response, the Applicants hereby file a Request for Continued Examination (RCE), and petition for a one-month extension to file this response by November 6, 2005. Authorization is hereby given to charge Account No. 50-0359 for the RCE and the extension fee. Thus, this reply is timely filed.

In view of the present amendments and remarks, reconsideration and allowance of the Application is respectfully requested.

1202 \$300 (6)

Application No. 09/347,390
Reply to Office Action mailed 07/06/2005
Page 11 of 11

Attorney Docket: C-6-5

(iii) none of Aita, Swartz or Mulier teach nor suggest inducing discharge of energetic electrons and photons from the conducting fluid by applying a sufficient high-frequency voltage between the active electrode and a return electrode as set forth in the claims, and a discussed for example at page 20, line 10 to page 21, line 10 of the specification.

Accordingly, in view of distinction of amended Claim 1 over the cited references, therefore dependent Claims 2-3, 6-8, 10-11, 15-17, 23-24, 26 and 41-46 are also not rendered unpatentable by the cited references. Accordingly, the present claims are allowable, which allowance is respectfully requested.

Re. Rejection of Claim 7 under 35 U.S.C. §103 (a)

For the reasons set forth above, Claim 7 is not rendered unpatentable by the cited references.


Re. The Non-Statutory Double Patenting rejection of the Claims

The Applicants herewith file a timely terminal disclaimer in compliance with 37 CFR 1.321 (c) in view of the cited patents and patent application.

CONCLUSION

It is believed that claims herein and the Application are in condition for allowance. Accordingly, reconsideration and allowance of the Application is respectfully requested. If an issue remains that can be resolved by telephone, kindly contact the undersigned at (408) 735-6486.

Respectfully submitted,


Raj Gajpershad,
Attorney for Applicant(s)
Reg. No. 44168

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